

STAFF REPORT
October 9, 2008

No. 08SR079 – SDCL 11-6-19 Review to allow the construction of the Canyon Lake Bypass **ITEM 33**

GENERAL INFORMATION:

APPLICANT	Ron Koth for South Dakota Department of Game, Fish & Parks
AGENT	Jon D. Ausdemore for Barr Engineering
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR079 - SDCL 11-6-19 Review to allow Canyon Lake Bypass
EXISTING LEGAL DESCRIPTION	Tract 1 thru 3 and Lots A and B of Tract 3 (also in Section 8, T1N, R7E) of the Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	2902 Park Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	General Commercial District - Low Density Residential District
South:	General Commercial District - Low Density Residential District
East:	Flood Hazard District - Low Density Residential District
West:	General Commercial District - Flood Hazard District - Low Density Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	9/4/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of the Canyon Lake Bypass be approved.

GENERAL COMMENTS: Canyon Lake is located south of Jackson Boulevard, east of Chapel Lane, and west of Park Drive. The property is currently zoned Flood Hazard District. The adjacent properties to the north are zoned General Commercial District and Low Density Residential District. The adjacent properties to the south are zoned General Commercial District and Low Density Residential District. The adjacent properties to the east are zoned

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Flood Hazard District and Low Density Residential District. The adjacent properties to the west are zoned General Commercial District, Flood Hazard District and Low Density Residential District. The applicant is proposing to construct a lake bypass that will provide a means to convey the base flows of Rapid Creek during fall and winter through Canyon Lake to allow for periodic maintenance within the lake boundaries. The bypass will provide a means to allow creek flows to go through the lake basin in an enclosed pipeline and outlet to Rapid Creek immediately downstream of Canyon Lake Dam without transporting any sediment generated in the lake basin as a result of maintenance activities.

The bypass project also includes a component to renovate the existing water supply pipelines and valves controlling the water supply to the pond system in Canyon Lake Park. The existing pipelines will be slip lined and new valve/slide gate control boxes will be installed in the park to provide easy access by maintenance personnel. The applicant has indicated that the by pass system will be used every five to ten years for routine maintenance in the lake.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed location for the Canyon Lake Dam bypass is located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Flood Hazard Zoning District: Canyon Lake is located within the Flood Hazard Zoning District. The Flood Hazard Zoning District has been established for those uses having low flood damage potential and not obstructing flood flows. The South Dakota Department of Game, Fish and Parks have indicated that this project is necessary for upkeep and maintenance of Canyon Lake. In addition, The Canyon Lake Bypass project is located within the 100 year Federally Designated Flood Way and will require a Flood Plain Development Permit. On September 4, 2008 a Flood Plain Development Permit was approved for the project.

Structures: Section 17.28.040 of the Rapid City Code state that structures located in the Flood Hazard Zoning District shall not be for human habitat. The proposed bypass project will not be used for human habitat.

Erosion and Sediment Control Permit: Prior to initiation of construction, the applicant must obtain an Erosion and Sediment Control Permit.

Air Quality Permit: Prior to initiation of construction, the applicant must obtain an Air Quality

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Permit.

404 Corp of Engineers Permit: Prior to initiation of construction, the applicant must obtain a 404 Corp of Engineers Permit.

Building Permit: Prior to initiation of construction, the applicant must obtain a building permit.

Flood Plain Development Policy: The Canyon Lake By Pass project is consistent with the regulations set forth in the Rapid City Flood Plain Development Policy.

Staff is recommending that the SDCL 11-6-19 Review to allow the construction of the Canyon Lake Bypass be approved.